

REMARKS

This application has been reviewed in light of the Office Action dated August 3, 2007. Claims 52-62 are presented for examination, of which Claims 52, 55, 58, 61 and 62. Claims 53 and 55 have been amended as to matters of form only. No change in scope is either intended or believed effected by these changes. Favorable reconsideration is requested.

Information Disclosure Statements (IDS) were filed on March 22, 2007 and August 31, 2007, as evidenced by the attached Electronic Acknowledgment receipts. Applicants respectfully request the Examiner to return initialed copies of the IDSs, indicating that the references cited thereon were considered. In addition, it appears that the article entitled Anonymous: "Hardware Control of Isochronous Data Transfer between P1394 and PCI Busses," IBM Technical Disclosure Bulletin, Vol. 38, No. 5, May 1995, pp. 83-88," listed in the May 27, 2004 IDS, was inadvertently not initialed. Applicants respectfully request that the Examiner initial this reference.

Applicants thank the Examiner for his indication that Claims 53, 56 and 59 would be allowable if rewritten so as not to depend from a rejected claim. However, those claims have not been so rewritten because, for the reasons discussed below, Applicants submit that their respective base claims are allowable.

Claims 52, 54, 55, 57, 58, 60, 61 and 62 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,535,334 (Merkley).

On or about September 27, 2007, Applicants' undersigned attorney conducted a telephone interview with the Examiner to discuss the rejection based on Merkeley. Applicants' undersigned attorney explained the nature of the present invention and the differences between

the present invention and Merkeley including, as discussed in detail below, that Merkeley fails to teach the "PULL method" recited in the claims. The Examiner stated that he understood Applicants' arguments and suggested that Applicants' arguments be memorialized in a written response to the outstanding Office Action. This constitutes the Statement of Summary of the Interview.

Claim 52 is directed to a data transmission method used between an image providing device and a target device which are connected by a serial bus. The method includes the steps of: (1) setting, in communication between the image providing device and the target device, a PULL method as a data transfer method to pull data from the image providing device based on control of the target device, in accordance with a first request issued by the image providing device; and (2) controlling readout of the data from the image providing device in accordance with a second request issued by the target device when the PULL method is set.

Many image providing devices, such as scanners, are not capable of logging in to target devices, such as computers, and therefore, do not "push" data to target devices. By virtue of the structure recited in Claim 52, an image providing device issues a request to a target device for a data transfer. When the target device receives the request, it sets the PULL method and issues a request to the image providing apparatus in order to control readout of data from the image providing device. Thus, the image providing device initiates the transfer of data by sending a request to the target device, and then the target device controls to pull data from the image providing device. Thus, according to the invention recited in Claim 52, data transfer in accordance with the "PULL" method performed by the target device can be initiated by the image providing device without having to perform a login process.

Merkeley relates to a system for performing communications between host computer systems over multiple communications methods. The system includes a communications service program that has a communications service associated with each host computer system for processing communications requests from the resident application programs to communicate with remote application programs residing on remote host computer systems. The communications service determines which of the communications methods supporting communications between the host computer systems are available and then prioritizes the available communications methods based on user-assigned preferences. If a data transmission was not successful using the selected communication method, the communications service automatically switches to an alternative communications method to complete the data transmission.

Merkeley also discusses one communication method (the CDS method) of storing message data on a shared, Direct Access Storage Device (DASD) by one host computer system, and retrieving the same message data by a different host computer system. However, nothing in Merkeley teaches or even hints of the "PULL" method recited in Claim 52. Thus, Applicants have found nothing in Merkeley that would teach or suggest "setting, in communication between the image providing device and the target device, a PULL method as a data transfer method to pull data from the image providing device based on control of the target device, in accordance with a first request issued by the image providing device" or "controlling readout of the data from the image providing device in accordance with a second request issued by the target device when the PULL method is set," as recited in Claim 52.

Accordingly, Applicants submit that Claim 52 is not anticipated by Merkeley.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 52.

Independent Claims 55, 58, 61 and 62 recite features similar to those discussed above with respect to Claim 52 and therefore are also believed to be patentable over Merkeley for the reasons discussed above.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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FCHS_WS 1710871v1

Electronic Acknowledgement Receipt

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| EFS ID: | 2146384 |
| Application Number: | 10815731 |
| International Application Number: | |
| Confirmation Number: | 9483 |
| Title of Invention: | Data transmission apparatus, system and method, and image processing apparatus |
| First Named Inventor/Applicant Name: | Koji Fukunaga |
| Customer Number: | 5514 |
| Filer: | Jennifer Ann Reda/Jaime Soler |
| Filer Authorized By: | Jennifer Ann Reda |
| Attorney Docket Number: | 00862.002136.1 |
| Receipt Date: | 31-AUG-2007 |
| Filing Date: | 02-APR-2004 |
| Time Stamp: | 12:54:03 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

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| Submitted with Payment | yes |
| Payment was successfully received in RAM | \$ 180 |
| RAM confirmation Number | 8801 |
| Deposit Account | 503939 |
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| 1 | Information Disclosure Statement (IDS) Filed | IDS.pdf | 28800 4e0c0a5339843e88a7d55e7a9d8f0e4de850bc | no | 4 |

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National Stage of an International Application under 35 U.S.C. 371

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If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Acknowledgement Receipt

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| EFS ID: | 1616326 |
| Application Number: | 10815731 |
| International Application Number: | |
| Confirmation Number: | 9483 |
| Title of Invention: | Data transmission apparatus, system and method, and image processing apparatus |
| First Named Inventor/Applicant Name: | Koji Fukunaga |
| Customer Number: | 5514 |
| Filer: | Jennifer Ann Reda/DAVID NGUY |
| Filer Authorized By: | Jennifer Ann Reda |
| Attorney Docket Number: | 00862.002136.1 |
| Receipt Date: | 22-MAR-2007 |
| Filing Date: | 02-APR-2004 |
| Time Stamp: | 17:05:47 |
| Application Type: | Utility |

Payment information:

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| 1 | Foreign Reference | IDS00862002136_1USA600.pdf | 687292 | no | 4 |

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